

REMARKS

Applicants thank Examiner Huynh for the interview on July 7, 2009. During the interview, Applicants presented a proposed amendment to claim 16 and discussed why claim 16 as amended was patentable over Baum, Swart, and Burton. Claim 16 has been amended in this response based on the proposed amendment. Claims 19-21, 24 and 40 are also amended. Claim 25 has been cancelled without prejudice or disclaimer. No new matter has been added. Support for the claim amendments can be found at least at paragraphs [0044]-[0049] of the application.

Claims 16-24 and 26 are Allowable

The Office has rejected claims 16-26, under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Office asserts that the specification “fails to provide a detailed description of the claimed limitation ‘the list including a unique address for the video content source and at least one connection rule for accessing the video content source’.” *See* Office Action, page 2. Claim 25 has been cancelled without prejudice or disclaimer. Although Applicants disagree with the Office’s assertion, in an effort to expedite prosecution of the case, Applicants have amended claim 16 to remove this element. As such, the §112 rejections should be withdrawn.

Claims 16, 18-23, 26, and 41 are Allowable

The Office has rejected claims 16, 18-23, 25-26, and 41, under 35 U.S.C. § 103(a), as being unpatentable over U.S. Published Application No. 2007/0124448 (“Baum”) in view of U.S. Published Application No. 2003/0028890 (“Swart”). Claim 25 has been cancelled without prejudice or disclaimer. Applicants respectfully traverse the remaining rejections.

The cited portions of Baum and Swart do not disclose or suggest the specific combination of claim 16. For example, the cited portions of Baum and Swart fail to disclose or suggest that when a selected connection option is a point-to-point connection option and a video content source is not reachable via point-to-point communication, the method facilitates an Internet connection between a user device and the video content source, as in claim 16.

In contrast to claim 16, Baum discloses user equipment that includes two protocol stacks. One protocol stack includes point-to-point over Ethernet (PPPoE) and the other protocol stack

does not. *See* Baum, [0130]. When a user selects a link, which protocol stack is used depends on the location of the destination. When the destination is in a vertical services domain, the stack without PPPoE is used, and when the destination is public, the stack with PPPoE is used. *See* Baum, [130]. The cited portions of Baum do not disclose or suggest using an Internet connection when a source is unreachable via point-to-point communication. Therefore, the cited portions of Baum fail to disclose or suggest when a selected connection option is a point-to-point connection option and a video content source is not reachable via point-to-point communication, facilitating an Internet connection between a user device and the video content source, as in claim 16.

In further contrast to claim 16, Swart discloses a content delivery server that logs successfully completed deliveries of content to a user. Swart further discloses a customer billing server that bills the user if the successfully completed content delivery requires an additional charge. *See* Swart, [0020], [0059], and [0072]. The cited portions of Swart do not disclose or suggest connection options or receiving a selection of a connection option. Therefore, the cited portions of Baum fail to disclose or suggest when a selected connection option is a point-to-point connection option and a video content source is not reachable via point-to-point communication, facilitating an Internet connection between a user device and the video content source, as in claim 16.

Therefore, the cited portions of Baum and Swart, individually or in combination, do not disclose or suggest at least one element of claim 16. Hence, claim 16 is allowable. Claims 18-23, 26, and 41 are also allowable, at least by virtue of their dependence from claim 16.

Claim 17 is Allowable

The Office has rejected claim 17, under 35 U.S.C. § 103(a), as being unpatentable over Baum in view of Swart and U.S. Published Application No. 2006/0293965 (“Burton”). Applicants respectfully traverse the rejection

Claims 17 depends from claim 16. As explained above, the cited portions of Baum and Swart fail to disclose or suggest at least one element of claim 16. The cited portions of Burton fail to disclose or suggest the elements of claim 16 not disclosed or suggested by the cited portions of Baum and Swart. For example, the cited portions of Burton fail to disclose or suggest when a selected connection option is a point-to-point connection option and a video

content source is not reachable via point-to-point communication, facilitating an Internet connection between a user device and the video content source, as in claim 16. In contrast to claim 16, Burton discloses receiving an order that includes payment information. *See* Burton, [0030], [0176]. The cited portions of Burton do not disclose or suggest connection options or a selection of a connection option. Therefore, the cited portions of Baum, Swart, and Burton, individually or in combination, fail to disclose or suggest at least one element of claim 16, from which claim 17 depends. Hence, claim 17 is allowable, at least by virtue of its dependence from claim 16.

Claims 24 and 42 are Allowable

The Office has rejected claims 24 and 42, under 35 U.S.C. § 103(a), as being unpatentable over Baum in view of Swart and Burton. Applicants respectfully traverse the rejections.

The cited portions of Baum, Swart, and Burton do not disclose or suggest the specific combination of claim 24. For example, the cited portions of Baum, Swart, and Burton fail to disclose or suggest instructions to send data to a user device, the data associated with a plurality of connection options associated with a video content source, the plurality of connection options including a point-to-point connection option and an Internet connection option, and instructions to receive a response including a selected connection option, as in claim 24.

In contrast to claim 24, Baum discloses user equipment that includes two protocol stacks. One protocol stack includes point-to-point over Ethernet (PPPoE) and the other protocol stack does not. *See* Baum, [0130]. When a user selects a link, which protocol stack is used depends on the location of the destination. When the destination is in a vertical services domain, the stack without PPPoE is used, and when the destination is public, the stack with PPPoE is used. *See* Baum, [130]. The cited portions of Baum do not disclose or suggest receiving a response including a selected connection option. Instead, Baum discloses detecting that a user has clicked on a link such as a URL. Selection of a link, such as a URL, is not a selection of a connection option. Therefore, the cited portions of Baum fail to disclose or suggest instructions to send data to a user device, the data associated with a plurality of connection options associated with a video content source, the plurality of connection options including a point-to-point connection

option and an Internet connection option, and instructions to receive a response including a selected connection option, as in claim 24.

In further contrast to claim 24, Swart discloses a content delivery server that logs successfully completed deliveries of content to a user. Swart further discloses a customer billing server that bills the user if the successfully completed content delivery requires an additional charge. *See* Swart, [0020], [0059], and [0072]. The cited portions of Swart do not disclose or suggest connection options. Therefore, the cited portions of Swart fail to disclose or suggest instructions to send data to a user device, the data associated with a plurality of connection options associated with a video content source, the plurality of connection options including a point-to-point connection option and an Internet connection option, and instructions to receive a response including a selected connection option, as in claim 24.

In further contrast to claim 24, Burton discloses receiving an order that includes payment information. *See* Burton, [0030], [0176]. The cited portions of Burton do not disclose or suggest connection options. Therefore, the cited portions of Burton fail to disclose or suggest instructions to send data to a user device, the data associated with a plurality of connection options associated with a video content source, the plurality of connection options including a point-to-point connection option and an Internet connection option, and instructions to receive a response including a selected connection option, as in claim 24.

Therefore, the cited portions of Baum, Swart, and Burton, individually or in combination, do not disclose or suggest at least one element of claim 24. Hence, claim 24 is allowable. Claim 42 is also allowable, at least by virtue of its dependence from claim 24.

Claim 40 is Allowable

The Office has rejected claim 40, under 35 U.S.C. § 103(a), as being unpatentable over Baum in view of Swart and Burton. Applicants respectfully traverse the rejection.

The cited portions of Baum, Swart, and Burton do not disclose or suggest the specific combination of claim 40. For example, the cited portions of Baum, Swart, and Burton fail to disclose or suggest sending data to a user device, the data indicating a plurality of connection options to connect to a video content source, the plurality of connection options including a point-to-point connection option and an Internet connection option, and receiving a response including a selected connection option, as in claim 40.

In contrast to claim 40, Baum discloses user equipment that includes two protocol stacks. One protocol stack includes point-to-point over Ethernet (PPPoE) and the other protocol stack does not. *See* Baum, [0130]. When a user selects a link, which protocol stack is used depends on the location of the destination. When the destination is in a vertical services domain, the stack without PPPoE is used, and when the destination is public, the stack with PPPoE is used. *See* Baum, [130]. The cited portions of Baum do not disclose or suggest receiving a response including a selected connection option. Instead, Baum discloses detecting that a user has clicked on a link such as a URL. Selection of a link, such as a URL, is not a selection of a connection option. Therefore, the cited portions of Baum fail to disclose or suggest sending data to a user device, the data indicating a plurality of connection options to connect to a video content source, the plurality of connection options including a point-to-point connection option and an Internet connection option, and receiving a response including a selected connection option, as in claim 40.

In further contrast to claim 40, Swart discloses a content delivery server that logs successfully completed deliveries of content to a user. Swart further discloses a customer billing server that bills the user if the successfully completed content delivery requires an additional charge. *See* Swart, [0020], [0059], and [0072]. The cited portions of Swart do not disclose or suggest connection options. Therefore, the cited portions of Swart fail to disclose or suggest sending data to a user device, the data indicating a plurality of connection options to connect to a video content source, the plurality of connection options including a point-to-point connection option and an Internet connection option, and receiving a response including a selected connection option, as in claim 40.

In further contrast to claim 40, Burton discloses receiving an order that includes payment information. *See* Burton, [0030], [0176]. The cited portions of Burton do not disclose or suggest connection options. Therefore, the cited portions of Burton fail to disclose or suggest sending data to a user device, the data including a plurality of connection options to connect to a video content source, the plurality of connection options indicating a point-to-point connection option and an Internet connection option, and receiving a response including a selected connection option, as in claim 40.

Therefore, the cited portions of Baum, Swart, and Burton, individually or in combination, do not disclose or suggest at least one element of claim 40. Hence, claim 40 is allowable.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.


Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

7-17-2009
Date



Jeffrey G. Toler, Reg. No. 38,342
Attorney for Applicants
Toler Law Group, Intellectual Properties
8500 Bluffstone Cove, Suite A201
Austin, Texas 78759
(512) 327-5515 (phone)
(512) 327-5575 (fax)